IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1547 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE A.L.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NANKU HARPAL SHARMA & 3 - Appellant(s)
Versus
MKARIAMBIBI G HAJI & 3 - Defendant(s)

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Appearance :
MR SK BUKHARI for Appellant(s) : 1 - 2, 2.2.1, 2.2.2,2.2.3
MR GIRISH D BHATT for Defendant(s) : 1,
MR AA SHAIKH for Defendant(s) : 1,
None for Defendant(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE A.L.DAVE

Date : 22/11/2005

ORAL JUDGMENT

1. Learned Advocates, Mr. Bukhari and Mr. Bhatt, are present.

2. It transpires from the order passed in this matter on 3rd April, 1996 that the parties have arrived at a settlement and consent terms were also reduced to writing and taken on record. It also transpires that an amount of Rs.5000/- was paid by the appellants to the respondent on that day, as per the consent terms. The further amounts were to be paid as agreed. On 8.7.1996, it appears that an amount of Rs.11,000/- was to be paid on that day or the day thereafter. Again, on 13th August, 1996, an order was passed to indicate that an amount of Rs.3500/- was to be paid on that day leaving an amount of Rs.9500/- outstanding which was to be paid latest by 13th October, 1996.

3. It appears that, thereafter, neither of the parties have approached the learned advocates despite the learned advocates having addressed communications. The respondent has not approached with any grievance about non-payment of balance amount of Rs.9500/- recorded in the order dated 13th August, 1996. Necessary inference, therefore, is that the parties have settled their disputes in terms of the settlement and the terms of settlement have been acted upon. Under the circumstances, the appeal stands disposed of in terms of the settlement with no order as to costs.

[A. L. DAVE, J.]

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